



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Peter Charles Astles, et al.		
Serial No.:	10/500,517	Case: 22059P	Art Unit: 1625
Filed:	June 29, 2004		
For:	AZA-CYCLIC COMPOUNDS AS MODULATORS OF ACETYLCHOLINE RECEPTORS		Examiner: Seaman, D. Margaret M

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF KATHLEEN M. KLUTKOWSKI

Sir:

I, Kathleen M. Klutkowski, hereby declare the following:

1. I have been employed by Merck & Co., Inc. since 1970, and currently hold the title of Patent Docket Specialist in the Legal Administration Department.
2. My job responsibilities at Merck include docketing communications received from the United States Patent & Trademark Office, including Office Actions and Notices of Allowance. Such communications are stamped on the date they are received. Relevant information related to the communication, such as date received and response due date, are entered into an intellectual property management database system.

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Case No.: 22059P
Page 2

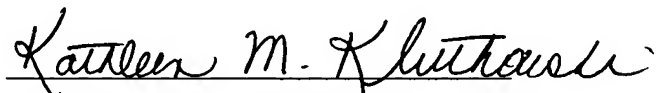
3. On January 18, 2008, I received a Notice of Abandonment dated January 16, 2008, for U.S. patent application serial no. 10/500,517 from the U.S. Patent and Trademark Office. A copy of the first page of the Notice of Abandonment is attached to this declaration as "Exhibit A".

4. I reviewed the docket record for application No. 10/500,517 and found no record of receipt of a Notice of Allowance and Issue Fee due. The most recent communication in our file prior to receipt of the Notice of Allowance was a July 11, 2007 Amendment. A copy of the docket record for Application No. 10/500,517, as of February 25, 2008, is attached at "Exhibit B".

5. I hereby declare that all statements made herein of my own knowledge are true and that all statement made of information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: March 17, 2008


Kathleen M. Klutkowski

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

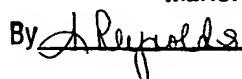
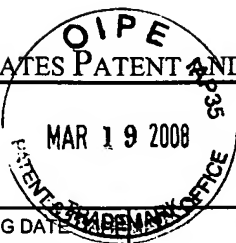
By  Date 3/17/08

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,517	06/29/2004	Peter Charles Astles	22059P	8378

7590
MERCK AND CO., INC
P O BOX 2000
RAHWAY, NJ 07065-0907

01/16/2008

Reply due
by 2/16/08

EXAMINER	
SEAMAN, D MARGARET M	
ART UNIT	PAPER NUMBER
1625	
MAIL DATE	DELIVERY MODE
01/16/2008	PAPER

Notice of Abandonment

This application is abandoned in view of:

1. ☐ The applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the period for reply (including a total extension of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:
 - (1) a timely filed amendment which places the application in condition for allowance;
 - (2) a timely filed Notice of Appeal (with appeal fee);
 - (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box e below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____.
The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawing have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

EXHIBIT B

Case #	22059P	Attorney	John C. Todaro
Country	United States	Foreign Agent	
Case Type	REG - REGULAR	Division	
Relation Type	ORG - ORIGINAL	Current Owner	MERCK & CO., INC.
Filing Type	PCT - PATENT COOPERATION	Previous Owner	
Number		See Notes ?	

AZA-CYCLIC COMPOUNDS AS MODULATORS OF ACETYLCHOLINE

Inventors	Licenses	Other Nos	Related Id	Title	Misc Text	Attorney Notes	Remarks
Filing Data	Add Info	More Data	Actions	Abstract	Expenses	Data Coordination	External Files
Status	FIL - Filed		First Filing Date	1/17/2002	National Filing Date	6/29/2004	
Sub Status			Sub Status Date		Parent Tax Base Date		
Parent Country	Patent Cooperation Treaty		Parent Filing Date	7/29/2002	Parent Expiration Date		
Parent Number	US2002/021297		Parent Grant Date				
Application Number			Application Date	7/29/2002	Tax Base Date		
Patent Number	10/500517		Grant Date		Next Tax Due Date		
Publication Number			Publication Date		Expiration Date		
Assignment	ASSIGNMENT RECORDED		Ind. Claims/Designs		Multiple Designs		
Convention Type			Total Claims	57	Designated States		
Priority			Total Classes		Classification Number		
Created: 2/23/2006			Updated: 1/18/2008 4:12:37 PM		By: LAN		

IPMaster (v1.5.3) - [Patent 1 of 1]

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FAILURE TO PAY REQUIRED ISSUE FEE AND PUBLICATION FEE - NOTICE OF ABANDONMENT MEMO

OK Cancel

Action	Inventors Filing Data	Licenses Addl Info	Taken	Action Due	Deadline Date	Completed Date	Other Nos More Data	Action Notes	Related Id Actions	Title Abstract	Misc Text Expenses	Attorney Notes Data Coordination	Remarks External Files
PRE					8/29/2004	8/29/2004							389066
NAC						11/18/2004							389067
COM						4/4/2006		CHANGE OF ATTY ADDRESS TO USPTO					394600
COM						4/21/2006		NOTICE OF ACCEPTANCE OF POWER OF					396658
RRM						12/7/2006							419784
AMM						3/16/2007							431067
NAB						1/16/2008		FAILURE TO PAY REQUIRED ISSUE					462082
SEQ				11/16/2004	3/16/2005	9/22/2004		COMMUNICATION - APPLICANT RESPECTFULLY					389068
PCR				5/4/2006	5/4/2006	4/13/2006		CHANGE OF ATTY ADDRESS-POA					394601
RST				1/6/2007	6/6/2007	1/5/2007							419786
PCR				2/5/2007	2/5/2007	1/11/2007		RESTRICTION REQ			DKT		422617
AMN				6/16/2007	9/16/2007	6/11/2007							431068
PCR				7/11/2007	7/11/2007	6/20/2007		AMENDMENT			DKT		440363
COM				2/16/2008	2/16/2008			FAILURE TO PAY REQUIRED ISSUE FEE AND					462091
*													

Created: 2/23/2006 Updated: 1/18/2008 4:12:37 PM By: LAN